

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

STACEY TURLIN,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:07CV1919 CDP
)	
CORRECTIONAL MEDICAL)	
SERVICES, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

Plaintiff has requested additional time to file an amended complaint, and has also requested appointment of counsel. I will grant the additional time requested, but I will not appoint counsel at this time.

There is no constitutional or statutory right to a court-appointed attorney in a civil case. Nelson v. Redfield Lithograph Printing, 728 F.2d 1003, 1004 (8th Cir. 1984). In determining whether to appoint counsel, the Court considers several factors including the likelihood that the petitioner and the court will benefit from the assistance of counsel, the factual complexity of the case, the petitioner's ability to investigate the facts and present his claims, the existence of conflicting testimony, and the complexity of the legal issues. Battle v. Armontrout, 902 F.2d 701, 702 (8th Cir. 1990); Johnson v. Williams, 788 F.2d 1319, 1322-23 (8th Cir.


1986).

At this point, I do not even know if plaintiff's claims will survive frivolity review, and so it is not appropriate to appoint counsel at this time. If the case does survive review, then after defense counsel have entered an appearance I will set a scheduling conference, and can reconsider appointment of counsel at that time.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's request for additional time to file her amended complaint [#10] is granted, and plaintiff shall file her amended complaint no later than **February 12, 2008**.

IT IS FURTHER ORDERED that plaintiff's motion for appointment of counsel [#11] is denied.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 22nd day of January, 2008.